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7 MIDLAND CREDIT MANAGEMENT, INC.

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SONIA VENEGAS,

Case No. **'16CV0060 DMS BLM**

11 Plaintiff,

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. § 1441(a)**

12 v.

State Court Complaint filed 11/16/15

13 MIDLAND CREDIT MANAGEMENT,  
14 INC.,

15 Defendant.

16 TO THE CLERK OF THE COURT:

17 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441(a) and 1331,  
18 Defendant Midland Credit Management, Inc. (“Midland”) hereby removes this  
19 action from the Superior Court of the State of California for the County of San  
20 Diego, Case No. 37-2015-00038842-CL-NP-NC (the “State Case”) to the United  
21 States District Court for the Southern District of California. The grounds for this  
22 removal are:

23 **FACTUAL SUMMARY**

24 1. On November 16, 2015, plaintiff Sonia Venegas commenced the State  
25 Case alleging violations of the federal Fair Debt Collection Practices Act (15 U.S.C.  
26 § 1692 *et seq.*) and the Rosenthal Fair Debt Collection Practices Act (Cal. Civ. Code  
27 § 1788 *et seq.*)

1 2. Midland was served with the summons and complaint on December 10,  
2 2015.

3       3. This notice is therefore timely pursuant to 28 U.S.C. § 1446(b) because  
4 it is being filed within thirty days after service of the complaint.

## **5 | JURISDICTION**

6 4. Removal is proper pursuant to 28 U.S.C. § 1441(a), which entitles a  
7 defendant to remove “any civil action brought in a State court of which the district  
8 courts of the United States have original jurisdiction,” and 28 U.S.C. § 1331, which  
9 gives district courts “original jurisdiction of all civil actions arising under the  
10 Constitution, laws, or treaties of the United States.” The district court has  
11 supplemental jurisdiction over the alleged state law claims because they are so  
12 related to the claim over which the district court has original jurisdiction that they  
13 “form part of the same case or controversy.” 28 U.S.C. § 1337(a).

14 5. Pursuant to 28 U.S.C. § 1446(a), Midland attaches as **Exhibit 1** and  
15 **Exhibit 2** the copies of all process, pleadings, and orders in the State Court action.

17 DATED: January 11, 2016 SOLOMON WARD SEIDENWURM &  
18 SMITH, LLP

By: *s/Thomas F. Landers*

THOMAS E. LANDERS

THOMAS P. ENDERS  
LEAH S. STRICKLAND

ATTORNEYS FOR DEFENDANT

ATTORNEYS FOR DEFENDANT  
**MIDI AND CREDIT MANAGEMENT**

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